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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,667	05/29/2001	Michael G. Lee	57983.000041	4126

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EXAMINER
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NALVEN, ANDREW L

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/865,667

Applicant(s)

LEE ET AL.

Examiner

Andrew L Nalven

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-12 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed 12/21/2004 have been fully considered but they are not persuasive.
3. Applicant has argued on page 9 that the Perlman reference (US Patent No. 6,546,486) fails to teach "exchanging a second encryption key with the host device when the exchange of the first encryption key is detected." Examiner respectfully disagrees. Examiner contends that Perlman does teach exchanging a second encryption key with the host device when the exchange of the first encryption key is detected (Perlman, column 5 lines 23-37, column 5 line 66 – column 6 line 4). In the cited sections, Perlman teaches a key being negotiated between the host (denoted destination in the reference) and firewall. Perlman teaches a public key of the host being used by the firewall to support confidentiality protection of second data exchanged between the firewall and host device (passing of message key). Hence, the public key must be provided to the firewall.
4. Applicant has argued on page 9 that the Perlman reference fails to teach "requesting, based at least in part upon the second security policy, the first encryption key." Examiner respectfully disagrees. Examiner contends that Perlman teaches

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requesting, based at least in part upon the second security policy, the first encryption key (Perlman, column 5 lines 57-61, send key to destination in order to decrypt message key). As currently presented, the step of "requesting" does not provide any requirements regarding the source or destination of the request. Examiner has given the presented limitation its broadest possible interpretation. Examiner contends that Perlman teaches the functionality associated with the requesting step (see rejection of claim 1 below). The steps taught by Perlman are viewed as "requesting" because all computer operations are fundamentally embodied within commands which are requests to perform an action. Thus, by teaching the functional steps of sending a first encryption key under the protection of the second encryption key, Perlman teaches the requesting of such actions to occur.

5. The rejection seen below is identical to the rejection of office action mailed 9/21/2004.

### ***Claim Objections***

6. Claim 1 is objected to because of the following informalities: Line 8 claims the typo "fist security policy." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-2, 4-8, and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Perlman et al US Patent No. 6,546,486. Perlman discloses a content screening system with end to end encryption.

9. With regards to claims 1 and 7, Perlman discloses the detecting of an exchange of a first encryption key between a host device and a remote device wherein the first encryption key supports confidentiality protection of first data exchanged between the host device and the remote device according to a first security policy (Perlman, column 4 lines 63-66, message key), exchanging a second key with the host device when the exchange of the first encryption key is detected wherein the exchange of the second encryption key supports confidentiality protection of second data exchanged an entity and the host device according to a second security policy (Perlman, column 5 line 66 – column 6 line 4), requesting based at least in part upon the second security policy, the first encryption key wherein the first encryption key is sent under the protection of the second encryption key and in accordance with the second security policy (Perlman, column 5 lines 57-61, send key to destination in order to decrypt message key), and passing encrypted data when it is determined that the first encryption key is received (Perlman, column 5 lines 20-22).

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10. With regards to claims 2 and 8, Perlman teaches not allowing encrypted data to pass when it is determined that the first encryption key is not received (Perlman, column 9 lines 15-22).

11. With regards to claims 4 and 10, Perlman teaches everything described above and further teaches the decrypting of encrypted data using the first encryption key according to a predetermined monitoring policy (Perlman, column 6 lines 19-34).

12. With regards to claims 5 and 11, Perlman teaches everything described above and further teaches the applying of a predetermined filtering policy to the decrypted data (Perlman, column 6 lines 19-34).

13. With regards to claims 6 and 12, Perlman teaches the re-encrypting of the decrypted data (Perlman, column 9 lines 15-22).

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman et al US Patent No. 6,546,486 in view of Ylonen et al US Patent No. 6,438,612.

16. With regards to claims 3 and 9, Perlman fails to teach the use of Internet Key Exchange protocol data traffic to determine when the first key is exchanged. Ylonen

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teaches the use of Internet Key Exchange protocol data traffic to determine when a key is exchanged (Ylonen, column 5 line 56 – column 6 line 5). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ylonen's method of using the IKE protocol with Perlman's content screening system because it offers the advantage of using a key management scheme that provides authentication between source and destination while adhering to an industry standard method of key exchange (Ylonen, column 4 lines 39-59).

### ***Conclusion***

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L Nalven whose telephone number is 571 272 3839 (before Oct 26, 2004) or 571 272 3839 (after Oct 26, 2004). The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 571 272 3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Nalven



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